

Lake Carriers' Association



The Greatest Ships on the Great Lakes

**Written Testimony of
James H. I. Weakley
President - Lake Carriers' Association**

**Regarding
“BALLAST WATER MANAGEMENT: NEW INTERNATIONAL STANDARDS AND
NATIONAL INVASIVE SPECIES ACT REAUTHORIZATION”**

**Joint Hearing
House Subcommittee on Coast Guard and Maritime Transportation
and
House Subcommittee on Water Resources and Environment
House Transportation and Infrastructure Committee**

**Rayburn House Office Building • Committee Room 2167
Washington, DC
March 25, 2004**

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MARCH 25, 2004 • RHOB – COMMITTEE ROOM 2167

JOINT HEARING OF HOUSE SUBCOMMITTEES ON
COAST GUARD AND MARITIME TRANSPORTATION AND
WATER RESOURCES AND ENVIRONMENT

Good morning Mr. Chairman and members of the Subcommittees. Thank you for the opportunity to address this hearing. I am James H. I. Weakley, President of Lake Carriers' Association. We represent 15 American corporations operating 57 U.S.-flag vessels exclusively within the Great Lakes. These companies annually carry as much as 125 million tons of cargo. These cargos – iron ore for the steel industry, limestone for the construction industry, coal for utilities.... – drive the nation's economy. Just as important, we relax along the shores of the Great Lakes and drink from the world's largest supply of fresh water. The Great Lakes are our home.

Lake Carriers' Association has been a leader in the effort to find a solution to the problem of ballast water transport and introduction of non-indigenous species. When the ruffe was discovered in Duluth/Superior Harbor, LCA developed the Voluntary Ballast Water Management Plan for vessels trading to the "Twin Ports" to prevent the spread of the ruffe from the western basin of Lake Superior. U.S. Fish & Wildlife Service called the Plan "the cutting edge of technology," and rightfully so. Even though vessels call on Duluth/Superior more than 1,000 times a year, the ruffe remains largely confined to western Lake Superior. Only two other populations have been discovered since voluntary implementation of these procedures.

LCA also has pioneered research on filtration and treatment of ballast water. In partnership with the Northeast-Midwest Institute, LCA tested ballast filtration and secondary treatments on a Canadian-flag Laker and a barge. Filtration showed definite promise, especially when coupled with ultraviolet irradiation as a secondary treatment. There must be more testing and refinements, but should filtration prove to be one of the solutions, its foundations were laid on the Great Lakes.

Today's hearing focuses on The International Convention for the Control and Management of Ship's Ballast Water and Sediments, which the International Maritime Organization (IMO) completed last month, and reauthorization of the National Invasive Species Act.

While I support the goals of the IMO Convention, I cannot support its ratification. This treaty would, for the first time, govern our domestic waterborne commerce if a U.S.-flag vessel transits the waters of another nation in the course of its voyage between two U.S. ports. U.S.-flag Lakers often transit Canadian waters during a Jones Act move. For example, on an upbound transit of the Detroit/St. Clair Rivers, a U.S.-flag Laker alternates between U.S. and Canadian waters 17 times!

This new regulation of domestic Great Lakes shipping is unnecessary. U.S.-flag Lakers never leave the system, so their ballast water is not a vector for introduction of new exotics. Our ballast water contains only what is already in the Lakes. We must focus our efforts on preventing new introductions.

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Furthermore, the Great Lakes traditionally have been exempt from IMO Conventions because our operating conditions are so different from those encountered in the ocean trades. Vessels in the deep-sea trades transit different environments on a regular basis. On the Lakes, we operate in waters that are hydrographically connected and form an enclosed aquatic system. If in fact such moves need to be regulated, a bi-lateral agreement between the United States and Canada is the most appropriate vehicle for addressing any Lakes-specific issues, not an international treaty.

The other topic under consideration today is reauthorization of the National Invasive Species Act. LCA supports House Bills 1080 and 1081 and commends the sponsors for recognizing that vessels operating in an enclosed aquatic system need not be subject to full application of the ballast water regulations that are to come.

Vessels operating exclusively in the enclosed Great Lakes aquatic system pose no threat to the Great Lakes environment. The Great Lakes are interconnected. The waters of Lake Superior flow into the St. Marys River and then are dispersed throughout the system. This means the ruffe, which is migrating along the southern shore of Lake Superior unchecked, will reach the St. Marys River, and could migrate to the lower Lakes. Therefore, it would be meaningless for vessels that are confined to the Great Lakes to filter or treat their ballast water. On the Lakes, our focus must be on finding the means to stop future introductions via the ballast water on vessels entering from the oceans. To require U.S.-flag Lakers to treat or exchange their ballast would have no environmental benefit, but would increase the cost of delivering raw materials that fuel the nation's economy.

Thank you.

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SUPPLEMENTAL SHEET

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Testimony Summary

U.S.-flag "Lakers" operate exclusively within the Great Lakes, so they have never introduced a non-indigenous species to the system. Nonetheless, Lake Carriers' Association has led efforts to solve the problem of ballast water transport and introduction of exotics. Unfortunately, LCA cannot support the International Maritime Organization (IMO) Convention on ballast water, as the provision that governs domestic waterborne commerce transiting foreign waters is inappropriate. Great Lakes shipping traditionally has been exempt from IMO Conventions, as the Conventions are geared to the deep-sea trades. **Lakes-specific issues should be addressed in a bi-lateral agreement between the United States and Canada.** LCA supports H.R. 1080 and H.R. 1081, as they represent a Federal solution focused on prevention of new introductions and recognize that vessels trading in waters that constitute an enclosed aquatic system are not a vector for introducing exotics. The Great Lakes are naturally interconnected, so treating the ballast water on Lakers would have no environmental benefit, but would increase the cost of delivering raw materials that fuel the nation's economy.